

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05 10596 NMG

THOMAS KELLEY,
Plaintiff,

VS.

**TOWN OF PLYMOUTH and
ROBERT J. POMEROY, as Chief of the
Plymouth Police Department and
Individually,
Defendants.**

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

Now come the parties in the above-captioned matter, and jointly request this Honorable Court to extend the deadlines of its current Scheduling Order by an additional two months (including discovery and filing of dispositive motions).

As reasons for this motion, counsel for the defendants and plaintiff state they require the additional time to complete depositions and discovery. The parties have endeavored to coordinate dates for the noticed depositions of witnesses and defendants, as well as the plaintiff's continued deposition that have not yet been completed. However, due to motions filed by each side, the parties have not been able to complete the plaintiff's deposition. The defendants filed a motion to compel further testimony of the plaintiff and the plaintiff filed a corresponding motion for protective order, which were just heard by this Court on December 4, 2006. The parties now need additional time to complete the plaintiff's and any other remaining depositions.

WHEREFORE, the parties respectfully request that the Scheduling Order be extended two months as follows:

- The completion date for all fact depositions, as initially set in ¶ 3 of the Scheduling Order entered by the Court, be extended to February 15, 2007. Designation of plaintiff's trial experts by March 16, 2007, and designation of defendant's trial experts by April 16, 2007; all expert depositions by May 16, 2007; all dispositive motions for summary judgment by June 1, 2007 and responses by June 21, 2007 (a Motion hearing date to be subsequently set by the Court). All discovery to be complete by May 16, 2007. The Final Pre-Trial Conference is currently scheduled for June 27, 2007. Further, this case is currently scheduled to begin Trial on July 9, 2007.

The parties will not be prejudiced by this proposed extension. Wherefore, the parties respectfully request that this Court amend the Scheduling Order as set forth above.

PLAINTIFF,
THOMAS KELLEY,
By his attorney,

Respectfully submitted,
DEFENDANTS,
ROBERT J. POMEROY and the
TOWN OF PLYMOUTH,
By their attorneys,

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